



House of Representatives

General Assembly

File No. 519

February Session, 2000

Substitute House Bill No. 5028

House of Representatives, April 11, 2000

The Committee on Appropriations reported through REP. DYSON of the 94th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

An Act Concerning Youth In Crisis.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 46b-120 of the general statutes is repealed and the
2 following is substituted in lieu thereof:

3 The terms used in this chapter shall, in its interpretation and in the
4 interpretation of other statutes, be defined as follows: (1) "Child"
5 means any person under sixteen years of age and, for purposes of
6 delinquency matters, "child" means any person (A) under sixteen years
7 of age or, (B) sixteen years of age or older who, prior to attaining
8 sixteen years of age, has violated any federal or state law or municipal
9 or local ordinance, other than an ordinance regulating behavior of a
10 child in a family with service needs, and, subsequent to attaining
11 sixteen years of age, violates any order of the Superior Court or any
12 condition of probation ordered by the Superior Court with respect to
13 such delinquency proceeding; (2) "youth" means any person sixteen to
14 eighteen years of age; (3) "youth in crisis" means any person sixteen to

15 seventeen years of age who, within the last two years, (A) has without
16 just cause run away from the parental home or other properly
17 authorized and lawful place of abode; (B) is beyond the control of
18 parents, guardian or other custodian; or (C) has four unexcused
19 absences from school in any one month or ten unexcused absences in
20 any school year; [(3)] (4) "abused" means that a child or youth (A) has
21 [had] been inflicted with physical injury or injuries [inflicted upon
22 him] other than by accidental means, or (B) has injuries which are at
23 variance with the history given of them, or (C) is in a condition which
24 is the result of maltreatment such as, but not limited to, malnutrition,
25 sexual molestation or exploitation, deprivation of necessities,
26 emotional maltreatment or cruel punishment; [(4)] (5) a child may be
27 found "mentally deficient" who, by reason of a deficiency of
28 intelligence, which has existed from birth or from early age, requires,
29 or will require, for his protection or for the protection of others, special
30 care, supervision and control; [(5)] (6) a child may be convicted as
31 "delinquent" who has violated (A) any federal or state law or
32 municipal or local ordinance, other than an ordinance regulating
33 behavior of a child in a family with service needs, (B) any order of the
34 Superior Court, or (C) conditions of probation as ordered by the court;
35 [(6)] (7) a child or youth may be found "dependent" whose home is a
36 suitable one for [him] the child or youth, save for the financial inability
37 of [his] parents, parent, guardian or other person maintaining such
38 home, to provide the specialized care [his] the condition of the child or
39 youth requires; [(7)] (8) a "family with service needs" means a family
40 which includes a child who (A) has without just cause run away from
41 [his] the parental home or other properly authorized and lawful place
42 of abode; (B) is beyond the control of [his] parent, parents, guardian or
43 other custodian; (C) has engaged in indecent or immoral conduct; (D)
44 is a truant or habitual truant or who, while in school, has been
45 continuously and overtly defiant of school rules and regulations; or (E)
46 is thirteen years of age or older and has engaged in sexual intercourse
47 with another person and such other person is thirteen years of age or

48 older and not more than two years older or younger than such child;
49 [(8)] (9) a child or youth may be found "neglected" who (A) has been
50 abandoned or (B) is being denied proper care and attention, physically,
51 educationally, emotionally or morally or (C) is being permitted to live
52 under conditions, circumstances or associations injurious to [his] the
53 well-being of the child or youth or (D) has been abused; [(9)] (10) a
54 child or youth may be found "uncared for" who is homeless or whose
55 home cannot provide the specialized care which [his] the physical,
56 emotional or mental condition of the child requires. For the purposes
57 of this section the treatment of any child by an accredited Christian
58 Science practitioner in lieu of treatment by a licensed practitioner of
59 the healing arts, shall not of itself constitute neglect or maltreatment;
60 [(10)] (11) "delinquent act" means the violation of any federal or state
61 law or municipal or local ordinance, other than an ordinance
62 regulating the behavior of a child in a family with service needs, or the
63 violation of any order of the Superior Court; [(11)] (12) "serious
64 juvenile offense" means (A) the violation by a child, including attempt
65 or conspiracy to violate sections 21a-277, 21a-278, 29-33, 29-34, 29-35,
66 53-21, 53-80a, 53-202b, 53-202c, 53-390 to 53-392, inclusive, 53a-54a to
67 53a-57, inclusive, 53a-59 to 53a-60c, inclusive, 53a-70 to 53a-71,
68 inclusive, 53a-72b, 53a-86, 53a-92 to 53a-94a, inclusive, 53a-95, 53a-101,
69 53a-102a, 53a-103a, 53a-111 to 53a-113, inclusive, subdivision (1) of
70 subsection (a) of section 53a-122, subdivision (3) of subsection (a) of
71 section 53a-123, 53a-134, 53a-135, 53a-136a, 53a-166, 53a-167c,
72 subsection (a) of section 53a-174, 53a-196a, 53a-211, 53a-212, 53a-216 or
73 53a-217b, or (B) running away, without just cause, from any secure
74 placement other than home while referred as a delinquent child to the
75 Office of Alternative Sanctions or committed as a delinquent child to
76 the Commissioner of Children and Families for a serious juvenile
77 offense; [(12)] (13) "serious juvenile offender" means any child
78 convicted as delinquent for commission of a serious juvenile offense;
79 [(13)] (14) "serious juvenile repeat offender" means any child charged
80 with the commission of any felony if such child has previously been

81 convicted delinquent at any age for two violations of any provision of
82 title 21a, 29, 53 or 53a which is designated as a felony; [(14)] (15)
83 "alcohol-dependent child" means any child who has a psychoactive
84 substance dependence on alcohol as that condition is defined in the
85 most recent edition of the American Psychiatric Association's
86 "Diagnostic and Statistical Manual of Mental Disorders"; [(15)] (16)
87 "drug-dependent child" means any child who has a psychoactive
88 substance dependence on drugs as that condition is defined in the
89 most recent edition of the American Psychiatric Association's
90 "Diagnostic and Statistical Manual of Mental Disorders". No child shall
91 be classified as drug dependent who is dependent (A) upon a
92 morphine-type substance as an incident to current medical treatment
93 of a demonstrable physical disorder other than drug dependence, or
94 (B) upon amphetamine-type, ataractic, barbiturate-type, hallucinogenic
95 or other stimulant and depressant substances as an incident to current
96 medical treatment of a demonstrable physical or psychological
97 disorder, or both, other than drug dependence.

98 Sec. 2. Section 46b-121 of the general statutes is repealed and the
99 following is substituted in lieu thereof:

100 (a) Juvenile matters in the civil session include all proceedings
101 concerning uncared-for, neglected or dependent children and youth
102 within this state, termination of parental rights of children committed
103 to a state agency, matters concerning families with service needs,
104 contested matters involving termination of parental rights or removal
105 of guardian transferred from the Probate Court, [and] the
106 emancipation of minors and youth in crisis, but does not include
107 matters of guardianship and adoption or matters affecting property
108 rights of any child, [or] youth or youth in crisis over which the Probate
109 Court has jurisdiction, provided appeals from probate concerning
110 adoption, termination of parental rights and removal of a parent as
111 guardian shall be included. Juvenile matters in the criminal session
112 include all proceedings concerning delinquent children in the state and

113 persons sixteen years of age and older who are under the supervision
114 of a juvenile probation officer while on probation or a suspended
115 commitment to the Department of Children and Families, for purposes
116 of enforcing any court orders entered as part of such probation or
117 suspended commitment.

118 (b) In juvenile matters, the Superior Court shall have authority to
119 make and enforce such orders directed to parents, including any
120 person who acknowledges before said court paternity of a child born
121 out of wedlock, guardians, custodians or other adult persons owing
122 some legal duty to a child, [or] youth or youth in crisis therein, as it
123 deems necessary or appropriate to secure the welfare, protection,
124 proper care and suitable support of a child, [or] youth or youth in
125 crisis subject to its jurisdiction or otherwise committed to or in the
126 custody of the Commissioner of Children and Families. In addition,
127 with respect to proceedings concerning delinquent children, the
128 Superior Court shall have authority to make and enforce such orders
129 as it deems necessary or appropriate to punish the child, deter the
130 child from the commission of further delinquent acts, assure that the
131 safety of any other person will not be endangered and provide
132 restitution to any victim. Said court shall also have authority to grant
133 and enforce injunctive relief, temporary or permanent in all
134 proceedings concerning juvenile matters. If any order for the payment
135 of money is issued by said court, including any order assessing costs
136 issued under section 46b-134 or 46b-136, the collection of such money
137 shall be made by said court, except orders for support of children
138 committed to any state agency or department, which orders shall be
139 made payable to and collected by the Department of Administrative
140 Services. Where the court after due diligence is unable to collect such
141 moneys within six months, it shall refer such case to the Department of
142 Administrative Services for collection as a delinquent account. In
143 juvenile matters, the court shall have authority to make and enforce
144 orders directed to persons liable hereunder on petition of said
145 Department of Administrative Services made to said court in the same

146 manner as is provided in section 17b-745, in accordance with the
147 provisions of section 17b-81, 17b-223, subsection (b) of section 17b-179,
148 section 17a-90, 46b-129 or 46b-130, and all of the provisions of section
149 17b-745 shall be applicable to such proceedings. Any judge hearing a
150 juvenile matter may make any other order in connection therewith
151 [within his authority] that a judge of the Superior Court is authorized
152 to grant [as a judge of the Superior Court] and such order shall have
153 the same force and effect as any other order of the Superior Court. In
154 the enforcement of its orders, in connection with any juvenile matter,
155 the court may issue process for the arrest of any person, compel
156 attendance of witnesses and punish for contempt by a fine not
157 exceeding one hundred dollars or imprisonment not exceeding six
158 months. Following an adjudication by the court, a fee of two hundred
159 dollars shall be assessed by the court against the parents, guardian or
160 custodian of any child, [or] youth or youth in crisis whenever the
161 services of the probation staff for juvenile matters is required.

162 Sec. 3. (NEW) (a) Any selectman, town manager, police officer or
163 welfare department of any town, city or borough, probation officer,
164 superintendent of schools, any child-caring institution or agency
165 approved or licensed by the Commissioner of Children and Families,
166 any youth service bureau, a parent or foster parent of a youth, or a
167 representative of youth, who believes that the acts or omissions of a
168 youth are such that such youth is a youth in crisis may file a written
169 complaint setting forth those facts with the Superior Court which has
170 venue over that matter.

171 (b) A petition alleging that a youth is a youth in crisis shall be
172 verified and filed with the Superior Court which has venue over the
173 matter. The petition shall set forth plainly: (1) The facts which bring
174 the youth within the jurisdiction of the court; (2) the name, date of
175 birth, sex and residence of the child; (3) the name and residence of the
176 parent or parents, guardian or other person having control of the
177 youth; and (4) a prayer for appropriate action by the court in

178 conformity with the provisions of this section.

179 (c) Upon determination that a youth is a youth in crisis in
180 accordance with policies established by the Chief Court Administrator,
181 the court may make and enforce orders, including, but not limited to,
182 orders: (1) Prohibiting the youth in crisis from driving a motor vehicle
183 for a time determined by the court; (2) requiring work or specified
184 community service; (3) mandating that the youth in crisis attend an
185 educational program in the local community approved by the court;
186 (4) requiring the youth in crisis to be placed in a community-based
187 residential facility approved by the court; and (5) requiring
188 community-based substance abuse or family counseling or mental
189 health services. A youth in crisis found to be in violation of any order
190 under this section shall not be considered to be delinquent and shall
191 not be punished by the court by incarceration in any state-operated
192 detention facility or correctional facility.

193 Sec. 4. (NEW) (a) Any police officer who receives a report from the
194 parent or guardian of a youth in crisis, as defined in section 46b-120 of
195 the general statutes, as amended by this act, shall promptly attempt to
196 locate the youth in crisis. If the officer locates such youth in crisis, such
197 officer may report the location of the youth to the parent or guardian
198 in accordance with the provisions of federal and state law after such
199 officer determines that such report does not place the youth in any
200 physical or emotional harm. In addition the police officer may: (1)
201 Transport the youth in crisis to the home of the child's parent or
202 guardian or any other person; (2) refer the youth in crisis to the
203 Superior Court for juvenile matters in the district where the youth in
204 crisis is located; (3) hold the youth in crisis in protective custody for a
205 maximum period of twelve hours until the officer can determine a
206 more suitable disposition of the matter, provided (A) the youth in
207 crisis is not held in any locked room or cell and (B) the officer may
208 release the youth in crisis at any time without taking further action; or
209 (4) transport or refer a youth in crisis to any public or private agency

210 serving children, with or without the agreement of the youth in crisis.
211 If a youth in crisis is transported or referred to an agency pursuant to
212 this section, such agency may provide services to the youth in crisis
213 unless or until the parent or guardian of the youth in crisis at any time
214 refuses to agree to those services.

215 (b) Any police officer acting in accordance with the provisions of
216 this section shall be deemed to be acting in the course of official duties.

217 Sec. 5. This act shall take effect July 1, 2000.

Statement of Legislative Commissioners:

In the second sentence of subsection (a) of section 4, references to "he" were changed to "such officer" to effect gender neutrality.

KID Committee Vote: Yea 11 Nay 0 JFS C/R JUD

JUD Committee Vote: Yea 39 Nay 0 JF C/R APP

APP Committee Vote: Yea 50 Nay 0 JFS-LCO

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either House thereof for any purpose:

OFA Fiscal Note

State Impact: Potential Significant Cost

Affected Agencies: Department of Education, Department of Children and Families, Judicial Department, Department of Public Safety

Municipal Impact: STATE MANDATE, Indeterminate Cost

Explanation

State and Municipal Impact:

The bill results in potential significant costs to the state and a state mandate on municipalities.

Police Costs

The bill could also result in additional costs for state and local police departments that would be required to “promptly” locate a youth in crisis. Potential costs cannot be determined at this time. Additional costs could result from (1) assigning additional police officers, or authorizing overtime to locate such youths and (2) additional workload associated with processing the youths who are located and taken into custody. Costs would also depend on the number of reports to police of youth in crisis. It is anticipated that this would have a more significant impact on the police departments in the cities. It is a State Mandate on municipalities.

Court and Juvenile Probation Costs

The bill permits the juvenile court to assume jurisdiction over 16 and 17 year olds under certain circumstances. This jurisdiction would be similar to that for children age 15 and younger under the current families with service needs (FWSN) law. The Judicial Department allocates an estimated \$3 million of its court and juvenile probation operating resources to FWSN cases.

The extent to which 16 and 17 year olds would be deemed to be youths in crisis and require court involvement and probation supervision is unknown. The range of orders that the court can enforce under the bill includes a prohibition on driving, the performance of community service, attendance in an educational program, placement in a community-based residential facility and requiring community-based substance abuse or family counseling or mental health services. A one-third increase in cases in juvenile court similar to FWSN cases would require additional staff and expenses that would exceed \$1 million.

Residential Placements and Other Program Costs

The bill allows a judge to place a youth in crisis in various programs including:

1. attendance in an educational program. This results in the potential for a student to be attending school when they otherwise would not have. This would result in a cost to the state and local and regional school districts. The average per pupil educational cost in the state is approximately \$8,000. However the exact cost of any one additional student cannot be determined. The cost would be dependent on the program actually provided which may or may not exceed the average cost. A portion of these costs would be borne by the state with the remaining cost borne locally.

2. a community-based residential facility. This would result in significant costs to the entity (presumably the Department of Children and Families) deemed financially responsible when a youth is placed in a residential setting. A privately operated residential program costs \$40,000-\$60,000 annually per youth. A nexus town would incur education costs averaging \$10,000-\$25,000 (the upper limit representing youth classified as special education eligible) annually for each youth placed in these same facilities.
3. community-based substance abuse, family counseling or mental health services. The cost of these services would presumably be borne by the Department of Children and Families and/or the Judicial Department. These services cost about \$5,000-\$10,000 per year.

OLR Bill Analysis

sHB 5028

AN ACT CONCERNING YOUTH IN CRISIS.**SUMMARY:**

This bill permits the Juvenile Court to assume jurisdiction over 16- and 17-year olds who are beyond their parents' control, run away from home, or fail to go to school. It terms such youths "youth in crisis." It allows (1) a variety of people to refer such youths to the court, (2) the court to order a variety of services for the youth and his family, and (3) the court to impose sanctions to enforce those orders. It specifies that a youth who violates such an order is not delinquent and cannot be incarcerated in a state detention or correctional facility.

The bill requires police officers to look for runaway 16- and 17-year olds. If they find them, it allows the police to report their location to the parents, refer them to Juvenile Court, or take them to an agency that serves children. Current law requires police to look for children only through age 15.

EFFECTIVE DATE: July 1, 2000

YOUTH IN CRISIS***Defined***

The bill defines a youth in crisis as a 16- or 17-year old who, within the last two years, has (1) run away from home or other authorized residence without just cause, (2) been beyond his parents' control, or (3) four unexcused school absences in a month or 10 in a year. This definition is similar to that for children age 15 and younger who can come under court supervision through the families with service needs (FWSN) program.

Referral

As with the FWSN program, under the bill, a youth can be referred to the court through a petition by a parent, foster parent, or representative of the child; a selectman, town manager, police officer, or local welfare department; a probation officer; a school superintendent; a youth service bureau; or a child-caring agency licensed or approved by the Department of Children and Families.

The petition must state (1) the youth's name, gender, birth date, and residence, (2) the parents', guardians' or responsible adult's name and residence, (3) the reason for the referral, and (4) the action the petitioner wants the court to take.

Court Action

The bill implicitly requires the chief court administrator to establish policies for determining when a youth is eligible to come under the court's supervision. When, following these policies, a Juvenile Court judge determines a youth is in crisis, the bill allows him to make and enforce orders, including:

1. prohibiting the youth from driving for a period the judge sets;
2. requiring him to work or perform community service;
3. requiring him to attend a court-approved local education program;
4. placing him in a court-approved, community-based residential facility; and
5. requiring him to receive substance abuse or family counseling or mental health services.

The bill specifies that a youth who violates a judge's order cannot be considered a delinquent and cannot be sent to a state correction or detention facility.

If a youth in crisis requires a probation officer's services, the law requires him or his parents to pay a \$200 fee.

Police Response to Runaways

The bill requires police to look for a 16- or 17-year old whose parent or guardian reports he has run away. It allows the police, if they find the youth, to tell the parents where he is after an officer determines that doing so would not jeopardize the youth physically or emotionally.

The bill, like the FWSN law for younger children, gives the police several options for handling a runaway youth they locate. They can (1) bring him home, (2) refer him to Juvenile Court, (3) hold him in protective custody for up to 12 hours, or (4) bring or refer him, with or without his agreement, to an agency that serves children. If they hold a youth in custody, they cannot lock him up and they can release him at any time.

BACKGROUND

Related Law

The law allows state and local police to transport a 16- or 17-year old runaway to a public or private agency if he consents to this in writing. The agency must, if practicable, notify the youth's parents or guardians within 12 hours.

COMMITTEE ACTION

Select Committee on Children

Joint Favorable Substitute Change of Reference

Yea 11 Nay 0

Judiciary Committee

Joint Favorable Change of Reference

Yea 39 Nay 0

Appropriations Committee

Joint Favorable Report

Yea 50 Nay 0